

NEBRASKA DEPARTMENT
OF INSURANCE

OCT 06 2003

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
CHARLES D. DAVIS,)	
)	CAUSE NO. A-1514
)	
RESPONDENT.)	

This matter came on for hearing on the 25th day of September, 2003, before Eric Dunning, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Michael Boyd. Charles D. Davis, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance producer whose current registered address with the Department is National Health Insurance Company, 13520 Discovery Drive, #206, Omaha, Nebraska, 68137, and whose registered home address is 1021 West E Street, North Platte, Nebraska, however correspondence sent to the home address has been returned to the Department by the United States Postal Service indicating the forwarding address as 151 N. Oak Street, Ainsworth, Nebraska 69210.

2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about August 21, 2003 the Petition and Notice of Hearing were served upon the Respondent by mailing the same to his home and business address of record by certified mail, return receipt requested. On or about August 25, 2003 the return receipt card was returned to our office for the Petition and Notice of Hearing mailed to Respondent's business address, as evidenced by Exhibit #1. On or about September 10, 2003 the letter mailed to Respondent's home address was returned to the Department by the United States Postal Service as "Unclaimed", as evidenced by Exhibit #1. On or about September 10, 2003 Department served a copy of the Petition and Notice of Hearing by mailing a copy to Respondent's home address by First Class United States Mail which had not been returned as September 23, 2003, as evidenced by Exhibit #3.

4. On or about March 3, 2003, Respondent was the subject of an administrative action filed by the Department in State of Nebraska Department of Insurance v. Charles D. Davis, Cause No. A-1490. Respondent was not present and was not represented by counsel for the administrative hearing held on April 30, 2003. On May 8, 2003 the Director of Insurance signed a Findings of Fact, Conclusions of Law, Recommended Order and Order, in which Respondent was required to pay an administrative fine of \$2000 within thirty (30) days of the date of the Director's signature for violations of Neb. Rev. Stat. §§ 44-4059(1) (g), 44-1524, and 44-1525(11), (Exhibit 3).

5. Respondent failed to pay the \$2,000 fine (Exhibits 5, 6).

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.

2. The Department has personal jurisdiction over Respondent.

3. The Respondent violated Neb. Rev. Stat. §44-4059(1)(b) by failing to pay the administrative fine of \$2000 when due.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent shall pay an administrative fine of \$1000 in addition to the previous fine in the amount of \$2000 from Cause No. A-1490 within thirty (30) days from the date the Director of Insurance signs this Order. It is further recommended that Respondent's insurance producers license shall be suspended immediately beginning the date the Director of Insurance signs this Order and continuing for a period of one (1) year. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 2nd day of October, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

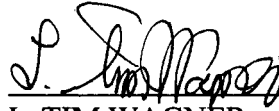

Eric Dunning, Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of *State of Nebraska Department of Insurance v. Charles D. Davis*, Cause No. A-1514.

Dated this 6th day of October, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at National Health Insurance Company, 13520 Discovery Drive #206, Omaha, Nebraska, 68137 and 151 N. Oak Street, Ainsworth, Nebraska 69210, by certified mail, return receipt requested, on this 6th day of October, 2003.

